

UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, on relation of its
Department of Transportation,

Plaintiff

vs.

DARRELL E. JACKSON, *et al.*, a married man;
THOMAS M. STRAWN, JR., a married man;
ANDREW S. LEVY, a married man; DAVIDSON
INVESTMENTS LIMITED PARTNERSHIP, a
Nevada limited partnership; JOHN W. BOYER, a
married man; MICHAEL ALEXANDER, Trustee of
the MICHAEL ALEXANDER LIVING TRUST;
NEVADA TITLE COMPANY, a Nevada
corporation; L. S. ENTERPRISES, INC., a Nevada
corporation d/b/a American Commonwealth
Mortgage Co.; EAGLEMARK SAVINGS BANK, a
Nevada corporation; STATE OF NEVADA,
DEPARTMENT OF EMPLOYMENT, TRAINING
& REHABILITATION, EMPLOYMENT
SECURITY DIVISION; UNITED STATES
DEPARTMENT OF THE TREASURY –
INTERNAL REVENUE SERVICE; CITY OF LAS
VEGAS; CLARK COUNTY, a political subdivision
of the State of Nevada; and all other persons
unknown claiming any right title, estate, lien or
interest in the real property described in the
Complaint,

Defendants.

CASE NO.: 2:16-cv-665-APG-GWF

**ORDER GRANTING MOTION TO
WITHDRAW FUNDS ON DEPOSIT**

This matter is before the Court on Defendants DAVIDSON INVESTMENTS LIMITED
PARTNERSHIP, JOHN W. BOYER, MICHAEL ALEXANDER, Trustee of the MICHAEL
ALEXANDER LIVING TRUST; L.S. ENTERPRISES, INC. (collectively “moving Defendants”)’s

1 Motion to Withdraw Funds on Deposit (ECF No. 75). Plaintiff, the STATE OF NEVADA, on
2 relation of its Department of Transportation, ("NDOT") filed a Provisional Non-Opposition (ECF
3 No. 85). Defendant, UNITED STATES ("IRS") filed a Response (ECF No. 90).

4 The Court, having considered the pleadings and papers on file herein, as well as the parties'
5 oral arguments, finds that withdrawal of the \$167,000.00 in funds by the moving Defendants is
6 appropriate. The parties agree, and the Court finds, that these funds specifically correlate to the value
7 of the real property that is the subject of this condemnation action. The parties further agree that
8 neither the IRS nor any other party is waiving the right to pursue recovery of any funds subsequently
9 deposited or otherwise awarded pursuant to any condemnation award or settlement in this matter.
10 Therefore, good cause appearing,

11 **IT IS HEREBY ORDERED** that Defendants' Motion to Withdraw Funds on Deposit (ECF
12 No. 75) is **GRANTED**.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall prepare a check for the
14 \$167,000.00 in funds on deposit, along with any interest accrued on said funds since their deposit,
15 within fourteen (14) days of the date of this Order with the check made payable to "American
16 Commonwealth Mortgage".

17 Dated this 10th day of April, 2017.

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21 George W. Foley
22 United States Magistrate Judge

23 Respectfully submitted by:
24 Law Offices of Brian C. Padgett

25 By: /s/ Amy L. Sugden
26 Amy L. Sugden
27 Law Offices of Brian C. Padgett
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*Attorneys for Defendants Darrell E. Jackson,
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Davidson Limited Partnership, John W. Boyer,
Michael Alexander, L.S. Enterprises, Inc.*